

AMENDMENT
February 21, 2006

YOR920030479US1
Serial No. 10/717,737

REMARKS

Claims 2, 3, 5 – 13, 16, 18 – 25 and 48 – 58 remain in the application and stand rejected. Claims 5 – 7, 16 and 48 – 51 have been objected to and are amended herein. Claims 1, 4, 14, 15, 17 and 26 – 47 are previously canceled without prejudice. The rejection is respectfully traversed.

Claims 5 – 7, 16 and 48 – 51 have been objected to for formal reasons. Responsive there to, claims 5 – 7, 16 and 48 – 51 are amended herein as directed in the Office action. No new matter has been added. Reconsideration and withdrawal of the objection to claims 5 – 7, 16 and 48 – 51 is respectfully requested.

Claims 2, 3, 5 – 9, 48 and 50 – 53 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,982,004 to Sin et al. in view of U.S. Patent No. 6,580,132 B1 to Chan et al. Claims 11 and 55 are rejected under 35 U.S.C. §103(a) over the combination of Sin et al. and Chan et al. in further view of published U.S. Patent Application No. 2003/0178670 A1 to Freid et al. Claims 10, 12, 13 and 54 are rejected under 35 U.S.C. §103(a) over the combination of Sin et al. and Chan et al. in further view of published U.S. Patent Application No. 2003/0151077 A1 to Matthew et al. Claims 56 – 58 are rejected under 35 U.S.C. §103(a) over the combination of Sin et al., Chan et al. and Freid et al. in further view of Matthew et al. Claims 16, 18 – 20 and 49 are rejected under 35 U.S.C. §103(a) over the combination of Sin et al. and Chan et al. in further view of U.S. Patent No. 6,946,696 B2 to Chan et al. (Chan II). Claim 22 is rejected under 35 U.S.C. §103(a) over the combination of Sin et al., Chan et al. and Chan II in further view of Matthew et al. Claims 21, and 23 – 25 are rejected under 35 U.S.C. §103(a) over the combination of Sin et al., Chan et al. and Chan II in further view of Freid et al. The rejection is respectfully traversed.

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35 U.S.C. §103(c)(1) provides in pertinent part

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The applicants note that each of Freid et al., Chan et al. and Chan II was published less than 1 year before or subsequent to the filing date of the present application. Therefore, each of these three references is being applied as prior art through 35 U.S.C. §102(e). It is clear from the face of each reference that, Freid et al., Chan et al. and Chan II was assigned to the assignee of the present invention, when the present application was filed. Therefore, Freid et al., Chan et al. and Chan II are precluded under 35 U.S.C. §103(c)(1) from being applied as reference 35 U.S.C. §103(a). Accordingly, claims 2, 3, 5 – 13, 16, 18 – 25 and 48 – 58 are patentable under 35 U.S.C. §103(a) over all references of record. Reconsideration and withdrawal of the rejection of claims 2, 3, 5 – 13, 16, 18 – 25 and 48 – 58 under 35 U.S.C. §103(a) is respectfully requested.

The applicants have reviewed the references cited but not relied upon and find them to be no more relevant than the references upon which the rejection is based.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the amendment to the claims and for the reasons set forth above, the applicants respectfully request that the reconsider and withdraw the objection to claims 5 – 7, 16 and 48 – 51, and the rejection of claims 2, 3, 5 – 13, 16, 18 – 25 and 48 – 58 under 35 U.S.C. §103(a) and allow the application to issue.

Should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below for a telephonic or personal interview to discuss any other changes.

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February 21, 2006

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Please charge any deficiencies in fees and credit any overpayment of fees to IBM
Corporation Deposit Account No. 50-0510 and advise us accordingly.

Respectfully Submitted,



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